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Serial No. 09/440,137

REMARKS

The Office Action (page 2, first paragraph) says "Claims 17-20 are objected to as being dependent upon a rejected base claim, but would be allowable if written in independent form including all of the limitations of the base claim and any intervening claims."

With this indication in mind, claim 17 has been added to claim 15. Claim 16 then becomes a dependent claim of the new main claim, and claim 21 is revised to be more specific. Considering the above, to expedite matters all the present claims are deleted, and new claims 22 to 27 are presented. The new claims 22 to 27 correspond to claims 17, 16 and 18 to 21, respectively.

These amendments moot the art-based rejection directed to previous claims 15, 16 and 21.

Applicants now address the examiner's claim clarity objection at the top of page 4 of the Action. The Office Action says "The claimed amounts of fat component ingredients do not add up to 100 % and it is unclear what specific fat ingredient is contemplated for about 42 % of the composition. It is not seen that short-chained fatty acids are contemplated."

However, it is unclear how the above "about 42 %" was calculated. If it is contemplated that the value obtained by subtracting (1) the medium-chain fatty acid content in the constitutive fatty acids of the triglycerides of 23 % by mass and (2) the proportion of triglycerides having two medium-chain fatty acid residues in the molecule in all the triglycerides of 20 % by mass from (3) the triglyceride content of 85 % by mass (namely value obtained by subtracting (3)-[(1)+(2)] is 42 % by mass, this is incorrect. The reason is that the above 23 % by mass is a value showing the content of the medium-chain fatty acids in the constitutive fatty acids of the triglycerides, and not a value showing a triglyceride content.

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The composition of the invention contains almost no short-chain fatty acid residues. To emphasize this point the applicants inserted a limitation that the oil or fat composition of the invention is "obtained by transesterifying an edible oil or fat with a medium-chain fatty acid or a medium-chain fatty acid triglyceride" into claim 22 as the new main claim. Usually, edible oils and fats contain almost no short-chain fatty acid residues. For reference, the fatty acid composition of edible oils or fats mentioned in page 8, lines 11 to 27 of the specification is shown in attached Documents A to H (English translations are provided, as needed).

As is apparent therefrom, soybean oil, rapeseed oil, rapeseed oil containing oleic acid in a high concentration, corn oil, sesame oil, sesame salad oil, beefsteak plant oil, linseed oil, peanut oil, safflower oil, safflower oil containing oleic acid in a high concentration, sunflower seed oil, sunflower seed oil containing oleic acid in a high concentration, cotton seed oil, grape seed oil, macadamia nut oil, hazel nut oil, pumpkinseed oil, walnut oil, camellia oil, tea seed oil, perilla oil, olive oil, rice bran oil, wheat germ oil, palm oil, palm kernel oil, coconut oil, cacao butter, tallow, lard, chicken fat, fish oil, and seal oil substantially do not contain short-chain fatty acid residues.

As to cream, the content of short-chain fatty acids in all the fatty acids constituting the cream is 3.0 to 3.5 % by mass.

None of the oil or fat compositions of the examples of the invention contain short-chain fatty acid residues.

As is seen from the above, usually, short-chain fatty acids are hardly contained in the constitutive fatty acids of edible oils or fats, and even in cream containing short-chain fatty acids in the highest content among these edible oils or fats, the content is only on the order of 3 % by mass in all the constitutive fatty acids.

When claim 22 is considered taking these facts into account, the oil or fat composition of claim 22 contains at least 85 % by mass of triglycerides based on the composition, and 1 to 20 % by mass of the triglycerides are triglycerides having two medium-chain fatty acid residues in the molecule. Thus, it will be understood by one skilled in the art, based on the description of claim 22 and common sense of one skilled

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in the art, that the residual triglycerides are triglycerides having no medium-chain fatty acid residue in the molecule and/or triglycerides having 1 or 3 medium-chain fatty acid residues in the molecule, and the residues other than the medium-chain fatty acid residues in these triglycerides are mainly long-chain fatty acid residues, with the understanding that a slight amount of short-chain fatty acid residues of such order of being contained in an edible oils or fat are not excluded.

Claim 22 further clearly define the oil or fat composition of the invention by prescribing the proportion of medium-chain fatty acid residues in all the fatty acid residues and the proportion of long-chain saturated fatty acid residues in all the long-chain fatty acid residues.

~~Thus, the applicants believe that claim 22 is sufficiently definite since it~~
particularly points out and distinctly claims the subject matter which the applicants regard as the invention, and so are the other dependent claims.

The Office Action says "Claim 21 cites the use of conventional additives and it is unclear what specific ingredients are included as conventional additives." These conventional additives are described in page 13, line 26 to page 14, line 8 of the specification, and are incorporated into claim 27 corresponding to claim 21.

On the basis of the above new claims 22 to 27 should be allowed.